IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2477 of 2003

DATE OF DECISION:01.05.2007

Ran Singh & Anr. .....Appellant

Versus

Kaptan Singh & Ors. .....Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri SS Dinarpur, Advocate
for the appellants.

Shri Vikram Singh, Advocate
for respondents No.1,5,7,17 to 19.

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This is plaintiffs' Regular Second Appeal against the judgements and decree passed by both the Courts below, whereby, their suit for declaration and joint possession has been dismissed.

I have heard counsel for the parties and gone through the judgements and decree passed by both the Courts below.

In this case, plaintiffs' claim that they should be declared as joint owner in possession with regard to the 1/4th share owned by Ram Rao son of Beg Raj as recorded in the Jamabandi for the year 1878-79 (Exhibit P-46). The defendants contested the suit on various grounds including that they became the owner of the suit land by way of adverse possession. The suit of the plaintiffs was dismissed by the trial Court by holding that the defendants have become owner of the suit land by way of adverse possession. In appeal filed by the plaintiffs, though the finding regarding adverse possession was reversed, yet the suit of the plaintiffs was dismissed on the ground that the plaintiffs have failed to connect the suit land with the land shown in the Jamabandi Exhibit P-46 owned by

Rao to the extent of 1/4th share. In this regard the first appellate Court has observed as under:-

> "The suit land was 17 bigha 19 biswas, 16 biswani, as per entries in jamabandi Ex. P46 which can be about 90 kanals. But now the plaintiffs have claimed their share in the suit land measuring 375 kanal 19 marlas. No excerpt has been placed on the file showing state of affairs of the suit land from time to time. Meaning thereby the link evidence is missing and there is no cogent evidence on record to connect this land measuring 375 kanal 19 marlas with the land measuring 17 bigha, 19 biswas, 16 biswani, described in Jamabandi Ex. P 46. It is beyond my understanding that land measuring 17 bigha, 19 biswas, 16 biswani (equal to about 90 kanals) can be 375 kanals 19 marlas. Resultantly, it can be said that the suit land is not proved to be the land described in jamabandi Ex.P46."

Learned counsel for the appellants could not controvert the said findings of fact recorded by the first appellate Court. He further states that there is no evidence on record to connect the land in dispute with the land shown in Exhibit P-46.

In view of the said findings of fact recorded by both the Courts below, I do no find any ground to interfere in the impugned judgements and decree passed by both the Courts below. No substantial question of law is also involved in this appeal.

Dismissed.

May 01, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**